

Remarks

Applicants respectfully submit that the restriction is not appropriate for the instant groupings. The Office states that the inventions listed as Groups I and II do not relate to a single general inventive concept, because “they lack the same or corresponding special technical features.” More specifically, the Office asserts that “[t]he fuel cell of Group II can/may be employed or adapted to work in other types of measurement systems, not only for the analysis of respiratory gases, as in Group I.”

Under PCT Rule 13.2, “the expression ‘special technical features’ shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.”

Applicant respectfully submits that the technical features of each of the claimed inventions of Group I and Group II, as a whole, define a contribution over the prior art. The present disclosure contemplates “an arrangement for the analysis of respiratory gases, which prevents an analyzing instrument of being damaged by moisture, and that includes an oxygen gas measuring unit.” Specification, paragraph [0008]. A special technical feature of the claims of the present disclosure is that an oxygen gas measuring unit is included with an arrangement for analysis of respiratory gases that separates liquids from the gases. This combination is not found in the prior art.

In particular, independent claim 1 recites “an arrangement for the analysis of respiratory gases . . . comprising . . . [a] holder unit [that] includes an oxygen gas measuring unit for measuring oxygen gas in the liquid-free gas, . . . and said oxygen gas measuring unit is a fuel cell.” The fuel cell of claims 12-17 is “adapted to measure oxygen gas in a liquid free gas” and is “removably attachable to an

arrangement for the analysis of respiratory gases.” Claim 12. The fuel cell of claims 12-17 is not adapted to be employed in an measurement system other than an arrangement measuring **liquid free gas**. Moreover, according to one embodiment, the oxygen gas measuring unit referenced in the claims of Group I is a fuel cell contemplated by claims 12-17.

An arrangement for analysis of respiratory gases that separates liquids from the gases and that includes an oxygen gas measuring unit is not disclosed in the prior art. Accordingly, the technical features of each of the claimed inventions of Group I and Group II, considered as a whole, make a contribution over the prior art, and restriction is not appropriate.

In the event the Examiner has any questions or comments regarding the foregoing election which could be resolved through a telephonic interview, please contact Kory D. Christensen at 801-578-6993.

DATED this 6th day of October, 2008.

Respectfully submitted,

Artema Medical AB

By /Kory D. Christensen/

Kory D. Christensen
Registration No. 43,548

STOEL RIVES LLP
One Utah Center Suite 1100
201 S Main Street
Salt Lake City, UT 84111-4904
Telephone: (801) 328-3131
Facsimile: (801) 578-6999